

REVISION OF TITLE 18, UNITED STATES CODE

JUNE 14 (legislative day, JUNE 1), 1948.—Ordered to be printed

Mr. WILEY, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3190]

The Committee on the Judiciary, to whom was referred the bill (H. R. 3190) to revise, codify, and enact into positive law, title 18 of the United States Code, entitled "Crimes and Criminal Procedure," having considered the same, do now report the bill to the Senate favorably, with amendments, and recommend that the bill, as amended do pass.

The purpose of the bill is to codify and revise the laws relating to Federal crimes and criminal procedure.

With the amendments proposed by the committee the bill includes all pertinent laws to January 5, 1948, and is made effective September 1, 1948.

The bill makes it easy to find the criminal statutes because of the arrangement, numbering, and classification. The original intent of Congress is preserved. A uniform style of statutory expression is adopted. The new Federal Rules of Criminal Procedure are keyed to the bill and are reflected in part II of title 18.

Obsolete and executed provisions are eliminated. Uncertainty will be ended and there will no longer be any need to examine the many volumes of the Statutes at Large as the bill, upon enactment, will itself embody the substantive law which will thus appear in full in the United States Code.

Codification and revision of the criminal statutes was undertaken in October 1943 by the House Committee on Revision of the Laws. A bill prepared by that committee passed the House on July 16, 1946, Seventy-ninth Congress, was reintroduced in the present Congress as H. R. 3190, and passed the House again on May 12, 1947.

The care with which the bill has been prepared and brought to date in the present Congress under the supervision of the House Committee on the Judiciary is reflected by that committee's report, House Report No. 304 of the Eightieth Congress. For a detailed

explanation of the statutes embodied in the bill, reference is made to the appendix of House Report 304, consisting of 458 pages.

The amendments proposed by the committee consisting of new legislation enacted since passage of the bill by the House, perfecting amendments, and corrections of printing errors, together with the reasons for each, are listed below.

AMENDMENTS AND EXPLANATIONS

Amendments Nos.

1. On page 3, preceding line 1, after and underneath item "13. Laws of States adopted for areas within Federal jurisdiction.", insert "14. Applicability to Canal Zone."

EXPLANATION

This amendment includes in the section analysis of chapter 1, the catch line to new section 14 which is being added by amendment No. 3.

2. On page 5, line 4, after "United States", strike out the period and insert ", except the Canal Zone."

EXPLANATION

This amendment together with amended section 3241 and inserted section 14 will clarify the applicability of Federal criminal statutes within the Canal Zone.

3. On page 8, after line 15, insert:

§ 14. APPLICABILITY TO CANAL ZONE

In addition to the sections of this title which by their terms apply to and within the Canal Zone, the following sections of this title shall likewise apply to and within the Canal Zone: Sections 6, 8, 11, 331, 371, 472, 474, 478, 479, 480, 481, 482, 483, 485, 488, 489, 490, 499, 502, 506, 594, 595, 598, 600, 601, 604, 605, 608, 611, 612, 703, 756, 791, 792, 793, 794, 795, 796, 797, 915, 917, 951, 953, 954, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 1017, 1073, 1301, 1364, 1382, 1542, 1543, 1544, 1546, 1584, 1621, 1622, 1761, 1821, 1914, 2151, 2152, 2153, 2154, 2155, 2156, 2199, 2231, 2234, 2235, 2274, 2275, 2277, 2384, 2385, 2388, 2389, 2390, 2421, 2422, 2423, 2424, 3059, 3105, 3109.

EXPLANATION

This amendment, adding a new section 14, together with amended section 5 will clarify the applicability of Federal criminal statutes within the Canal Zone. It was particularly desired by the Governor of the Canal Zone and the compiler of the Canal Zone Code. The Governor of the Canal Zone, in a letter dated September 22, 1945, and filed with the House Judiciary Committee, advised:

"General criminal laws of the United States are now applicable to the Canal Zone only if applicability is indicated by language expressly referring to the Canal Zone, or to possessions of the United States, or to territory subject to the jurisdiction of the United States, etc. * * * The bill in its present form would have undesirable effects insofar as concerns the continued operation of the Canal Zone Criminal Code and Code of Criminal Procedure, established

by Congress as titles 5 and 6 of the Canal Zone Code, enacted by act of June 19, 1934 (ch. 667, 48 Stat. 1122), and also would perhaps have undesirable effects insofar as concerns the continued applicability to the Canal Zone of the body of general criminal laws which are now applicable."

4. On page 91, preceding line 1, after and underneath item 609, in the section analysis, strike out—

610. Contributions by national banks or corporations.

And insert—

610. Contributions or expenditures by national banks, corporations, or labor organizations.

EXPLANATION

This amendment makes the section analysis correspond with corrected catch line of 610 of the revision.

5. On page 104, lines 4–21, after line 3, strike out all of lines 4 to 21, inclusive, and insert—

§610. CONTRIBUTIONS BY NATIONAL BANKS, CORPORATIONS, OR LABOR ORGANIZATIONS

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section.

Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than \$5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, in violation of this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

For the purposes of this section "labor organization" means any organization of any kind, or any agency or employee-representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

EXPLANATION

This amendment incorporates section 304 of the Labor-Management Relations Act, 1947, Public Law 101, prohibiting campaign contributions, etc., by labor unions.

6. On page 117, line 8, after "or receiver," strike out "with".
On page 117, lines 9 to 14; after line 8, strike out lines 9 to 14, inclusive.
On page 117, line 15, before "shall", strike out "system,".
7. On page 118, line 18, after "or otherwise intrusted to its care," strike out "with intent to defraud such".
On page 118, lines 19 to 22, after line 18, strike out lines 19 to 22, inclusive.

On page 118, line 23, before "shall be fined", strike out "amine into the affairs of such institution,".

EXPLANATION

Amendments Nos. 6 and 7 involve no change in existing law. The stricken words are unnecessary and inconsistent with other sections of this revision defining embezzlement but are necessary and appropriate in defining the offense of false entries in sections 1005 and 1006. See sections 641, 645, and 659 of this title.

8. ▀ On page 134, line 19, after "both", strike out the period at the end of this line and insert—
; or if he negligently suffers such person to escape, he shall be fined not more than \$500 or imprisoned not more than one year, or both.

EXPLANATION

This amendment gives effect to the act of June 21, 1947, (ch. 111, 61 Stat. 134), amending section 138 of the Criminal Code of 1909 (35 Stat. 1113; 18 U. S. C. sec. 244), the latter being section 755 of revised title 18 as set out in this bill.

9. On page 158, insert new matter after line 12, as follows:

While any foreign government is a member both of the International Monetary Fund and of the International Bank for Reconstruction and Development, this section shall not apply to the sale or purchase of bonds, securities, or other obligations of such government or any political subdivision thereof or of any organization or association acting for or on behalf of such government or political subdivision, or to making of any loan to such government, political subdivision, organization, or association.

EXPLANATION

This amendment incorporates in section 955 of title 18 the exception made to the Johnson Act by act of July 31, 1945 (ch. 339, sec. 9, 59 Stat. 516; 31 U. S. C., sec. 804b).

10. On page 367, lines 15 to 18, inclusive, strike out all of lines 15 to 18, inclusive, and insert in lieu thereof the following two paragraphs:

The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.

Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.

EXPLANATION

This amendment is necessary to preserve the provisions of section 371 (1) of title 28 United States Code, 1940 edition, giving the district court of the United States original jurisdiction of all offenses against the laws of the United States, exclusive of State courts.

11. On page 415, line 10, after "Canal Zone," insert "District of Columbia,".

EXPLANATION

This amendment makes it clear that the Supreme Court may also promulgate rules for the District Court for the District of Columbia. The District of Columbia is specifically mentioned in section 3772.

12. On page 415, after line 17, insert at end of section the following new paragraph:

Nothing in this title, anything therein to the contrary notwithstanding, shall in any way limit, supersede, or repeal any such rules heretofore prescribed by the Supreme Court.

13. On page 416, line 21, insert at end of section the following new paragraph:

Nothing in this title, anything therein to the contrary notwithstanding, shall in any way limit, supersede, or repeal any such rules heretofore prescribed by the Supreme Court.

EXPLANATION

Amendments 12 and 13 are necessary in order to make clear that no provisions of the existing Federal Rules of Criminal Procedure are amended or otherwise affected by this bill.

14. On page 448, line 24, after "of", strike out "The Revised Statutes (1 U. S. C.," and insert "Title 1 of the United States Code".

EXPLANATION

This amendment corrects reference to Revised Statutes, section 1, which was originally codified in Title 1, United States Code, section 1. It was repealed by act of July 30, 1947 (ch. 388, sec. 2, 61 Stat. 640 (Public Law 278)). The same act enacted said title 1 United States Code into positive law; therefore, the amendments proposed by this section of the bill should be directed to section 1 of title 1, United States Code, rather than to Revised Statutes, section 1.

On page 448, line 25, preceding "is", strike out "sec. 1)".

EXPLANATION

This amendment is a part of the change made necessary as explained immediately above.

15. On page 456, lines 3 to 21, after line 2, strike out all of section 18 (lines 3 through 21).

EXPLANATION

The inclusion of new section 14 and the amendment of section 5 renders section 18 unnecessary.

16. On page 456, line 22, preceding "If any", etc., strike out "Sec. 19." And insert "Sec. 18."
17. On page 457, line 3, preceding "no inference", etc., strike out "Sec. 20." And insert "Sec. 19."

EXPLANATION

Amendments 16 and 17 renumber sections 19 and 20 of the bill to be sections 18 and 19, respectively.

18. On page 457, lines 8 to 15, after line 7, strike out all of lines through 15, inclusive, and insert—

SEC. 20. This Act shall take effect September 1, 1948.

Also at line 16, strike out "Sec. 22." And insert "Sec. 21."

EXPLANATION

This amendment supplies effective date provision of the bill and rennumbers section 22 as section 21.

19. On page 463, about middle of page, strike out—

July 3.....	128	4, 5	40	755, 756	16	705, 706
-------------	-----	------	----	----------	----	----------

20. On page 467, below middle of page, strike out—

June 20.....	634	4	49	1556	16	705-
Do.....	635	1, 2	49	1557	22	248.

and insert in lieu thereof—

June 20.....	635	1, 2	49	1557	22	248.
--------------	-----	------	----	------	----	------

EXPLANATION

Amendments 19 and 20 save from repeal the enforcement sections of the Migratory Bird Act, act of July 3, 1918, and leaves them in title 16, Conservation, United States Code, where they are incorporated by reference in other bird acts.

21. On page 470 after—

June 8.....	178	1, 2, 3,	59	234, 235	18	241, 241a, 242
-------------	-----	----------	----	----------	----	----------------

Insert—

July 31.....	339	9	59	516	31	804b.
--------------	-----	---	----	-----	----	-------

EXPLANATION

This amendment includes in the schedule of repeals the act of July 31, 1945 (ch. 339, sec. 9, 59 Stat. 516), which added a section 3 to the act of April 13, 1934 (ch. 112, 48 Stat. 574). The provisions of this section 3, heretofore set out as section 804b of title 31 United States Code, 1940 edition, Money and Finance, are being incorporated, by accompanying amendment to this bill, in section 955 of revised title 18, hence the necessity to repeal the prior provisions as contained in the said act of July 31, 1945 (ch. 339, sec. 9).

22. On page 471, at the end of the schedule of repeals on this page, insert—

1947—Apr. 16.....	39	-----	61	52	18	411
May 16.....	73	-----	61	97	18	744b-1
June 21.....	111	-----	61	134	18	244.
June 23.....	120	304	61	159	2	251

EXPLANATION

This amendment repeals the 1947 Acts which are hereby incorporated in the bill.

